



Research Model of Fiqh

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Abstract

Fiqh or Islamic law is one of the most well-known fields of Islamic study among the general public. This is partly because fiqh is directly related to people's lives. From birth to death, humans are always connected to fiqh. For example, who is responsible for providing for them, who their parents are, and even when they are buried, these matters are related to fiqh. Due to its nature and function, fiqh is categorized as al-hal science, which is the science related to human behavior, and is considered a mandatory science to study, because with this knowledge, a person can fulfill their obligation to serve Allah through worship such as prayer, fasting, hajj, and so on. Furthermore, if legal science or fiqh is called idealistic, it does not mean that these legal materials themselves do not have practical considerations related to the needs of society. Islamic legal philosophy is essentially nothing more than the development and analysis of abstract Sharia law, not positive law that originates from and is sourced from court forums. Therefore, the characteristic that defines Islamic law in the sense of law that governs the lives of Muslims is the distinction between ideal teachings and factual practices, between Sharia as taught by classical legal scholars on the one hand and positive law as applied in courts on the other.

INTRODUCTION

Islamic law or fiqh is a group of sharia the science related to human actions taken from the Quran or Sunnah (Sugitanata et al., 2023). If there is something in the Quran or Sunnah that relates to these deeds, or if it is taken from other sources, if there is nothing in the Quran or Sunnah, then a science called Fiqh is formed. Thus, Fiqh is a group of laws concerning human deeds taken from detailed arguments (Fatihin, 2024). Human actions are all actions of mukallaf people related to worship, muamalat, criminal law, and so on, not those related to aqidah (belief). The detailed arguments referred to are units of arguments, each of which points to a specific law. Ahmad Zaki Yamani gives the characteristics of Islamic law as identical to the characteristics of Islamic law. According to Zaki Yamani, there are two characteristics.

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First, that Islamic law is flexible and can evolve to address all emerging and changing issues. it is completely different from what has been described by both the enemies of Islam and some of its deviant or narrow-minded followers, namely that Islamic law is a system, a religion that has become outdated and obsolete due to its age (Darma et al., 2023; Farizal Antony & A. Kumedi Ja'far, 2025). Second, that in the treasury of Islamic law there are solid foundations for solutions that can be implemented appropriately and carefully for the most complex issues of today, which cannot be solved by Western systems or Eastern principles.

In line with this description, Zaki Yamani divides Islamic law into two meanings. First, the broad meaning and second, the narrow meaning. The broad definition of Islamic law encompasses all laws that have been systematically compiled by fiqh scholars in their fiqh opinions on issues of their time, or issues they anticipated would arise in the future, using arguments taken directly from the Quran and Hadith (Darna, 2021; Nurdin et al., 2022). Sharia in this broad sense provides opportunities for differences of opinion, to follow it or not to follow it. In a narrow sense, Islamic Sharia is limited to laws that are definite and explicit, as stated in the Quran, authentic hadith, or established by *ijma'* (Adinda Ayu Kisdiyanti & Ashif Az Zafi, 2020; Ridwan et al., 2021). In this narrow sense, Sharia with its clear and definitive arguments obliges every Muslim to follow it and make it a source for solving the difficulties they face.

METHODS

This research method uses a qualitative-descriptive approach by examining various models of Islamic law research from figures such as Harun Nasution, Noel J. Coulson, and Mohammad Atho Mudzhar (Engkizar et al., 2021). Research data was obtained through a literature study of books, journal articles, and documents related to the development of fiqh and the methodology of determining Islamic law. Data analysis was conducted using content analysis techniques to identify patterns, methods, and the theoretical basis of each research model. Each finding was then compared to identify similarities, differences, and relevance to the contemporary Islamic legal context. The results of the analysis were used to formulate a comprehensive overview of fiqh research models from a historical and social perspective.

RESULT AND DISCUSSION

Harun Nasution Model

Through a historical approach, Harun Nasution divides the development of Islamic law into four periods, namely the period of the Prophet, the period of the Companions, the period of *ijtihad* and progress, and the period of *taqlid* and decline. Harun Nasution reports that in the prophetic period, all issues were referred back to the Prophet for resolution, and the Prophet was the sole source of law (Fitriani et al., 2023; Umam & Hariyanto, 2020). Directly, the lawmaker was the Prophet, but indirectly, God was the lawmaker, because the laws issued by the Prophet were based on revelations from God. The Prophet's actual duty was to convey and implement the laws determined by God. The sources of law left by the Prophet for future generations were the Quran and Sunnah.

The period of *ijtihad*, which Harun Nasution equates with the first period of Islamic progress. The legal problems faced became increasingly diverse as a result of the expansion of Islamic territories, with various ethnic groups converting to Islam and bringing with them different customs, traditions, and social systems (Engkizar et al., 2025). In this context, mujtahid legal experts emerged, known as imams or faqih (*fuqaha*) in Islam, and these legal leaders had students. It was during this period that the four schools of Islamic law emerged, namely Abu Hanifah, Imam Malik, Imam Syafi'i, and Ahmad Ibn Hambal. Abu Hanifah's legal opinions were influenced by the

development of law in Kufah, which was located far from Medina, the center of the Prophet's missionary activities and the birthplace of the Sunnah (Al Anang & Hasibuan, 2025; Mahfudhi, 2022). In such circumstances, Abu Hanifah made extensive use of reason. The sources of Islamic law he used were the Quran, Sunnah, *ra'y*, qiyas, istihsan, and pre-Islamic sharia that was still in line with the Quran and Sunnah. This school of thought is now widely adhered to in Turkey, Syria, Afghanistan, Turkistan, and India, and is officially used in Syria, Lebanon, and Egypt.

Meanwhile, Imam Malik, who lived in Medina as the center of the Prophet's preaching and the place where hadiths circulated, and whose society was not as advanced as the society of Kufah that Imam Malik faced, found it easy to obtain hadiths to solve various problems. For this reason, he used sources of law in the form of the Quran, Sunnah, qiyas, al-masalib al-mursalah, namely the public interest. This school of thought was widely adopted in Hejaz, Morocco, Tunisia, Tripoli, Southern Egypt, Sudan, Bahrain, and Kuwait. After the period of *ijtihad* and the development of the above laws, came the period of *taqlid* and the closing of the door of *ijtihad* (Wahyu Ningsih, 2023; Zulhendra, 2023). In the fourth century, coinciding with the beginning of a period of decline in Islamic cultural history, the development of Islamic law came to a halt. The four schools of thought at that time already had a stable position in society, and attention was no longer focused on the Quran, Sunnah, and other sources of law, but on the books of fiqh. *Ijtihad* carried out during this period took the form of *ijtihad* within the schools of thought. Scholars from each school of thought conducted *ijtihad* based on the teachings of the imam of the school of thought they adhered to (Maarif & Choeri, 2023; Moh. Najib Syaf, 2023). Therefore, their opinions did not deviate from the broad guidelines set by the relevant imam. *Ijtihad* was also carried out to resolve specific issues. This type of *ijtihad* took the form of fatwas.

The opinion that the door to *ijtihad* is closed began to be challenged by Islamic reform leaders at the end of the nineteenth century, such as Al-Tahtawi, Jamaluddin Al-Afghani, and Muhammad Abduh. They encouraged Muslims to return to the Qur'an and Sunnah. From this description, it can be seen that the model of Islamic legal research used by Harun Nasution is exploratory and descriptive, using a historical approach. The interpretation of historical data is always linked to its historical context (Ayu & Nurrohman, 2024; Wulan et al., 2025). Through this research, readers will gain an initial understanding to enter into further study of Islamic law.

Noel J. Coulson Model

The results of his research are presented in three parts. The first part explains the formation of Sharia law, which discusses the legalization of the Quran, legal practices in the first century of Islam, the roots of jurisprudence as the first school of thought, Imam Al-Syafi'i, and the father of jurisprudence. The second part discusses Islamic legal thought and practice in the Middle Ages (Engkizar et al., 2025). It discusses classical legal theory, unity and diversity, the impact of schools of thought on the legal system, Islamic government and Sharia law, and Islamic society and Sharia law. The third section discusses Islamic law in the modern era, including the absorption of European law, contemporary Sharia law, *taqlid* and legal reform, and *ijtihad*.

When talking about the legalization of the Quran, Coulson said that God's principles are the only ones that shape the law and that all of His commands should be the main control or all aspects of life are already established (Al-Farisi et al., 2025; Natalie, 2023). It's just that these commands aren't organized in a complete chapter for humans. Furthermore, events in the following period showed that the concepts of the Quran were nothing more than a kind of introduction to Islamic law, a book that was then continuously implemented by subsequent generations (Ilyas &

Abubakar, 2025). Furthermore, when discussing Law in the First Century of Islam, Coulson said that in the field of law, there was uniformity on the one hand and diversity on the other. We find uniformity in public law (in this case, taxation law and the process of resolving cases involving non-Muslim communities), the rules of which come from the central government. Meanwhile, we find diversity in civil law.

Furthermore, when discussing classical law, Coulson said that Islamic jurisprudence in the early tenth century formally stated that its creative power had been exhausted by a doctrine known as the closing of the door of *ijtihad* (Manullang, 2024). Based on the results of this research, it appears that by using a historical approach, Coulson has been more successful in describing the journey of Islamic law from its inception to the present in its entirety through his research. Coulson has succeeded in positioning Islamic law as a set of norms for orderly behavior and a social institution. In this process, law as a social institution fulfills the basic human need for peace in society (Arya Salman Aziz, 2024; Nasir et al., 2023). Society cannot possibly live in an orderly manner without law because other norms cannot fully fulfill human needs for order and peace. In Islamic law, as is well known, for example, great attention is paid to family matters, because good, prosperous, and happy families are the foundation of society. Therefore, the strength of family ties must be maintained, and this is one of the reasons why the verses of *ahkam* emphasize family life.

Mohammad Atho Mdzbar model

The purpose of his research was to identify the content of the fatwas issued by the Indonesian Ulama Council and the socio-political background behind them. This research was based on the assumption that the fatwas issued by the Indonesian Ulama Council are always influenced by the socio-cultural and socio-political setting, as well as the function and status that must be played by the institution (Engkizar et al., 2025). The fatwa products of the Indonesian Ulama Council that he studied were issued between 1975 and 1988. The results of the study are presented in four chapters. The first chapter discusses the background and characteristics of Islam in Indonesia and its influence on Islamic law. These characteristics are examined in four aspects, namely cultural background, theological doctrine, social structure, and political ideology. Furthermore, this section also discusses the condition of Islamic law in Indonesia and the various institutions that hold legal authority, from the colonial period to the period of Indonesian independence (Dulsukmi Kasim & Rahman, 2025). The various ideas presented in this introduction are used as tools to analyze the various fatwas issued by the Ulama Council. Thus, this study aims to examine the extent to which the cultural background, theological doctrine, social structure, and political ideology are embraced by society.

In the second chapter, the dissertation discusses the Indonesian Ulama Council in terms of its background, the socio-political context surrounding it, the council's relationship with the government and Islamic organizations, as well as other non-Islamic organizations, and the various fatwas it has issued (Engkizar et al., 2025). In the third chapter, the dissertation discusses the content of the fatwas issued by the Indonesian Ulama Council and the methods used in issuing these fatwas, which include ritual worship, family and marriage issues, culture, food, Christian holidays, medical issues, family planning, and minority sects in Islam (Pelu & Tarantang, 2020; Siswanto, 2022).

Meanwhile, the fourth chapter contains the conclusions drawn from the study. In these conclusions, it is stated that the fatwas of the Indonesian Ulama Council are not always consistent in following the methodological pattern in determining fatwas as found in *fiqh* science. These fatwas sometimes refer directly to the Quran before referring to the *hadith* and *fiqh* books written by the scholars of the *madhhab*. Meanwhile, some other fatwas are sometimes not supported by

convincing arguments, either textually or rationally (Muhamad Shadiq et al., 2024; Thalhah & Anggoda, 2024). According to researchers, this does not mean that the Indonesian Ulama Council does not have a methodology that it uses. Theoretically, every fatwa issued by the Indonesian Ulama Council is based on the foundations of the Quran, Hadith, and qiyas adopted by the Shafi'i school of thought. However, in practice, these legal foundations are not always followed.

CONCLUSION

The Islamic law used by Harun Nasution is exploratory and descriptive research using a historical approach. The interpretation of historical data is always linked to its historical context. Through this research, readers will gain an initial understanding to enter into further study of Islamic law. In reality, the fatwas of the Indonesian Ulama Council are not always consistent with the methodological patterns used in determining fatwas as found in fiqh science. These fatwas sometimes refer directly to the Quran before referring to the hadith and fiqh books written by the scholars of the madhhab. Meanwhile, some other fatwas are sometimes not supported by convincing arguments, either textually or rationally. According to researchers, this does not mean that the Indonesian Ulama Council does not have a methodology that it uses. Theoretically, every fatwa issued by the Indonesian Ulama Council is based on the foundations of the Quran, Hadith, ijma, and qiyas adopted by the Shafi'i school of thought. However, in practice, these legal foundations are not always followed.

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